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Report of the Independent Expert on the situation of human rights in the Sudan: Comments by the State*

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A. Introduction

1. The Government of the Sudan welcomes this opportunity to comment on the observations and findings of the draft report of the Independent Expert Mr. Aristide Nononsi on the Situation of Human Rights in the Sudan, which we received attached to the note verbale of the Office of High Commissioner of Human Rights dated 6/7/2018. The Note Verbale 20 of July As a deadline for the submission of the Government of Sudan's comment on the draft report. We call upon the Office of the High Commissioner to take into account paragraph 74 of Manual of Operations of Special Procedure of the Human Rights Council, which provides for six weeks as the ideal period for submitting the State's comment, and not less than four weeks in all cases, unless otherwise agreed with the Government.

2. While Sudan was waiting for a second visit of the Independent Expert pursuant to his promise during the first visit in April 2018, and has completed the preparations and arrangements for this second visit, we were surprised to receive the draft report without notice of cancellation of the second visit.

3. The Government of the Sudan reaffirms its commitment to cooperate with international human rights mechanisms in such a manner that respects the sovereignty of the State and avoids politicization, double standards, and selectivity of human rights issues, and adherence to guidelines, rules of conduct and procedures adopted by the General Assembly of the United Nations and the Human Rights Council.

4. Sudan hopes that the independent Expert will take into consideration the comments and observations of the Government of the Sudan on the draft report in the preparation of his final report, and requests the Office of the High Commissioner for Human Rights to place this commentary as an addendum to the final report of the Independent Expert, to be circulated and published accordingly, in accordance with paragraph 8 (d) of Code of Conduct for Special Procedures Mandate-holders.

B. General observations

5. We note that the report did not focus on the ideas and proposals needed to address challenges that require technical assistance and capacity-building. We respectfully submit that such tendency is inconsistent with the mandate of the Independent Expert renewed by HRC resolution A / HRC / RES / 36/26, and incompatible with paragraph 3 (c) and paragraph 7 of the Code of Conduct for Special Procedures Mandate-holders[1] (observance of the terms of mandate), and paragraph 84 of the Manual of Operations of Special Procedures of the Human Rights Council.[2]

6. In most of its observations and findings, the draft report relied on information that is clearly not based on credible evidence. At the same time, the Independent Expert underestimated the information and data provided by the Government during his visit to the country or totally excluded it. The draft report also depends on anonymous reports and information without references for accuracy and impartiality[3] .Further, the draft report does is not free from ethnic classification of people of the same country whose constitution and law prohibit racial discrimination, which is contrary to the duty of moderation and discretion required by paragraph 12 (b) of the Rules of Conduct for the Special Procedures.

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[1] Annex to HRC/RES/5/2.

[2] Manual adopted by the mandate-holders in June 2008, at the 15th Annual Meeting of Special Procedures.

[3] See for example Key Recent Developments, paragraphs 11, 12 and 14 and Human Rights challenges paragraphs 2, 3, 4, 5, 6, 7, 11, 24, 25, 26, 27, 28, 29, 31 – 4 (inclusive) and 49.

An example of this is paragraph 9 (page 4 of the draft report), which described the vast majority of "armed militias attacking civilians in Darfur" as being of Arab ethnicity.

7. In the sixth part of the draft report (conclusion and recommendations), the Independent Expert expressed his concern that a number of his recommendations had not been implemented. Perhaps what makes the Independent Expert manifest such view is that most of his recommendations in the previous report did not comply with the guidelines which entail that mandate-holders recommendations shall be specific, measurable, achievable, realistic and time-bound (SMART criteria), as set out in paragraph 98 of the Manual of Operations of Special Procedures of the Human Rights Council. With regard to the Independent Expert's focusing on legislative reforms in the said recommendations, the large amount of legislations assigned to the legislative machinery makes this process not as expeditious as desired. The Independent Expert has been briefed on the legislations that have actually been enacted and those which are still pending before the Parliament and the Council of Ministers.

C. Comment on draft report by paragraphs

Part Three: Key recent developments

Paragraph 9

8. The High Committee of the Collective Arms Campaign, chaired by the Vice-President of the Republic, despite its recent establishment and the challenges it faces, is exerting enormous efforts to enforce its tasks. To date, it has collected more than 100,000 pieces of weapons in the states of Darfur and some adjacent areas and is still continuing its work, making a positive impact on the stability of security situation in affected areas.

Paragraph 11

9. No lethal force was used by the police to disperse demonstrations in March 2018. The maximum level of force applied was the use of tear gas, bearing in mind that no deaths or serious injuries had taken place among the demonstrators. The police forces acted in accordance with the provisions of the Criminal Procedure Act of 1991 relating to addressing riots, under supervision of a public prosecutor. As for the events of the city of El-Geneina in West Darfur, there were limited demonstrations in the city in 2017 due to protests led by students of some schools, which later on turned into riots and sabotage. The only case of death referred to in the report occurred before the arrival of the police force. The police took the necessary legal measures and formed a committee of inquiry into the incidents. They found that the participating police did not shoot any participant in the demonstrations.

Paragraph 12

10. The paragraph pointed to the arrest of a number of prominent politicians and journalists, hiding the place of their detention and preventing their visit, but did not mention the names of those persons or specify the date of their arrests. We affirm that the law guarantees all rights to all detainees, including contact with a lawyer and visiting their families and relatives under the supervision of the Public Prosecution.

Paragraphs 13, 14

11. There were no military operations in Jebel Marra and what has actually happened was a an instance of security activities carried out by the Sudanese Armed Forces (SAF) in response to information about the gathering of Abdel Wahid of his forces in late 2017 and threatening the security, following the split of Abdul Wahid's forces into three factions. That trend resulted in violent conflicts and operations that led to displacement of a number of citizens, terrifying them, looting their property and imposition of fees and excise thereon. One of these factions attacked an armed forces camp in the town of Jawa, killing one officer and injuring four others. The armed forces, acting under their constitutional and legal duties in realizing peace and stability, intervened by sending symbolic infantry troops

in security activities to restore security and stability, and this was what had eventually been achieved. In July 2nd, SAF declared the end of their activities of securing the area. The Government continues to renew its call on Abdul Wahid to join the peace process.

12. The attacks carried out by Abdul Wahid's forces resulted in the killing of 2 shepherds. 2,285 families were affected in the locality of Northern Jebal Marra (Kourou) by burning houses and looting of property.About 208 families in the Locality of Centeral Jebel Marra (Gulu), and 1,220 families in Locality of East Jebel Marra (Derbat) were displaced.

13. With regard to facilitating humanitarian access to the areas of Jebel Marra, the Government intervened in collaboration with local and international partners to provide assistance to the affected and displaced persons, including food, accommodation materials and drilling of water wells. Access facility measures have been made available to a number of humanitarian actors such as World Health Organization, Norwegian Church Aid, UNICEF, the Danish Council, the ICRC, WFP, the World Medical Corps and Catholic Relief. There are regular flights by the World Food Program to Zalingei and Gulu in central Darfur. This refutes the veracity of the contention that access to this area has not been granted. The contention itself is in conflict with paragraph 31 which states that internally displaced persons depend on UNAMID and humanitarian agencies for their support.

14. The paragraph referred to the US administration's decision to lift the sanctions on Sudan but did not say anything about the negative impacts of these sanctions on the enjoyment of human rights in the Sudan. The recommendations in the draft report ignored any call for relief or redress, or lifting the remaining of the unilateral coercive measure.

Part Four: Main Human Rights Challenges

Paragraph 2

15. This paragraph was characterized by broad generalization and failed to mention specific facts in definite places and times.

Paragraph 3

16. Contrary to what is stated in this paragraph, the State strives to address the root causes of the conflict in Darfur by accomplishing implementation of the Doha Document and establishing specialized commissions for Darfur after the expiry of the Regional Authority mandate. Among these commissions is the Darfur Land Commission, which enjoys a broad mandate, including the use and management and protection of tribal land rights, the review of land administration and exploitation processes, the proposal of relevant Bills of law, arbitration of disputes over land rights, and so forth. The Commission has carried out studies and collected information on the customs and heritage of the people of Darfur pertinent to the use of land. It prepared a draft land use map, and the survey of natural resources in Darfur. The Commission also developed Bills of urban planning law and land disposition and regulations, to be adopted by the legislative councils of the five states of Darfur. Concerning CRSV, the cases of sexual violence were not reported in the camps, according to the report of the Prosecutor of the Darfur Special Court. Likewise, no cases of sexual violence were mentioned during the visit of the Assistant Secretary-General for Sexual Violence, Ms. Parmela Patten, to camps in conflict areas in February 2018.

17. With regard to the state of emergency in Darfur, the security situations still justify its continuity of its imposition. However, we emphasize that all crimes and violations are prosecuted and tried in accordance with to the natural law and before the ordinary courts of justice. The rights stipulated by the Constitution not to derogate from in case of emergency are not violated. The State's assessment of the need to continue or lift the state of emergency is not be looked at as of less value than the assessment of the UN Security Council in respect of UNAMID in remaining in or exiting Darfur.

Paragraph 6

18. As for lawyer Slaih Mahmoud, he was arrested during his participation in demonstrations wherein no compliance with the law and order had been observed. He was released upon completion of the investigation on 20 February 2018. Concerning Ms. Miass

Seif, she was arrested with three others (one women and two men) in al-Zuhour district of Khartoum with possession of cannabis, and criminal proceedings were initiated against them under the Narcotics and Psychotropic Substances Act 1994 (section 20 (a)). In order to complete the investigation procedures, the suspects were referred by the Public Prosecution to the Criminal Laboratory for the purpose of examining the effect of drugs in the blood. The result was positive for two of them and negative for the others. The defendants were released on bail pending completion of the proceedings.

Paragraphs 10 – 14

19. The Evangelical Presbyterian church of El Haj Yousif suburb had been constructed on a piece of land which is a private ownership of an individual. The demolition took place by virtue of a judicial order after final adjudication in a dispute over proprietorship[4]. The court decision of removal was executed by the judiciary police in the presence of the competent court judge. The said ruling of the court became final after it has been confirmed by the Court of Appeal of El Haj Yousif and East Nile District. The moveable properties attached during execution were returned to their owners. The said church was not one of the 25 others earmarked for demolition, as the draft report suggests. The story of the 25 churches referred to were decided to be demolished for reason pertinent to contravention of the laws and regulations governing urban planning and land disposition. However, the administrative demolition decision has been suspended by the State higher authorities, and remained untouched. It is worth mentioning that this demolition decision included also number of schools, mosques and houses in that area.

20. Beside the forum on freedom of religion and religious co-existence referred to in paragraph 12 of the draft report, we add, in the same context, that a workshop on dialogue between religions was organized on 8 – 9 May 2018 in collaboration with the Ministry of Foreign Affairs, upon an imitative by the US and Canada Embassies, with participation of the Deputy Director of Human Rights Center of Essex University, in addition to representatives of all entities concerned. Other activities relevant to the issue have also taken place.

Paragraphs 15-19

21. In paragraph (17), it was stated that editors-in-chief were banned to publish any news regarding the death of a businessman during his detention. This claim is incorrect. A number of Sudanese newspapers (Al-Intebaha, Al-Meghar, Al-Saihaa, Al-Sudani) published details about the suicide of the businessman, and have never been prohibited from so doing.

22. As regards pre-censorship of newspapers, since 2016 a republican decree has been issued prohibiting pre-censorship. More than forty newspapers, including 28 political dailies, are currently issued in Khartoum. The International Covenant on Civil and Political Rights itself provides for the restriction of the exercise of the right to freedom of expression by the necessary provisions established by law, including those relating to the protection of national security or public order. With regard to saying that press writing on March demonstrations is a red line, no executive or administrative decision has been made to that effect. The Government did not take any steps to block online press sites, including social media. The number of internet users in Sudan up to March 2018 was 11 million, according to the National Telecommunications Authority, while newspaper readers do not exceed 200,000 out of 38 million people constituting the number of Sudan's population.

23. Regarding the four journalists who were prevented from traveling to Saudi Arabia, that action was taken due to the fact that they violated the regulations for covering foreign conferences where they had to obtain the approval of the competent authorities, notably the Ministries of Information and Foreign Affairs. The correspondent of the Middle East journalist Ahmed Yousif, was stopped by the Department of Foreign Media of the Ministry of Information for violating the licensing regulations and working as a correspondent for

[4] Case No. CC/107/2016, General Court, El Haj Yousif.

two outside institutions instead of the one who was authorized to work with. The assumption that the journalist Amel Habani was subjected to a treatment that may amount to torture is unfounded. She was arrested while taking part in riot incidents with others in an unlawful gathering to entice the use violence. Their rights were respected in accordance with the rights of the detainee which stated in section 51 of the National and Intelligence Security Services Act 2010, and treated properly. They were eventually released after investigation was completed.

Paragraph 20

24. This paragraph casted general accusations on the law enforcement agencies concerning use of violence and threat against women to silence them, based on information "received" by the Independent Expert, without reference to its source, or affirming its credibility. The worst of it is the invective casted down against the State's legal framework, which was described by the Independent Expert as institutionalizes gender inequality. How could a constitutional framework institutionalizes gender inequality whereas it provides that "the State shall guarantee equal right of men and women to the enjoyment of all civil, political, social, cultural and economic rights, including the right to equal pay for equal work and other related benefits"[5], and that "The State shall promote woman rights through affirmative action"[6] ?

25. The Quarter-centennial Strategy (QCS) (2007-2031) affirms women participation in comprehensive renaissance, and the strategy of women empowerment formed a main axis in the QCS. Further, the national policy for women empowerment was developed and approved by the Council of Ministers in 2007, forming a practical support of the Constitution of Sudan, national laws and regional and international treaties. It was updated in collaboration with development partners in 2015 – 2016. Through those projects, strategy targets education, health, environment, economic empowerment, human rights and law, political participation and decision-making peace and conflict resolution. The strategy set a detailed plan of the national policy for women empowerment included in the second fifth plan 2012 – 2016 applied in central and regional levels. The percentage of women participation in the Executive power (national Council of Ministers and governments of states) is 33%., and 33.5% in the legislature (national Parliament and legislative councils of the states). These are just examples of the promotion of women rights and their role in society

26. In the context of adducing the issue of dress as one of the punishable public morality offences, the Indecent Expert used the expression "indecent dress". This is an incorrect and illusive translation for the Arabic expression used in section 152 of Criminal Act. The accurate corresponding term in English is "lascivious" or "offensive" in qualifying the dress under the said section. Referring to what the Independent Expert called "kesha phenomenon" to signify that it is a practice done by the authority to violate women rights, we indicate that the so-called "kesha" is a local appellation used to describe public order campaigns carried out by local administration targeting unlicensed and hawker vendors and public street offences in accordance with the local laws regulating the same.

Paragraphs 21 and 22

27. The case of Nora Hussein is just a legal and judicial procedure pertaining to the commission of a criminal offence, but the Independent Expert considered it as an example of an increase of discrimination and violence against women. He issued his hasty prejudgment in stating that the court did not consider the circumstances as mitigating factors, although he knew that matter was still under judicial consideration (sub judice), since the verdict of the court of first instance is not final, before recanting his view by indicating the decision of the Court of Appeal which amended the decision of the trial judge in paragraph 22 of the draft report. The Independent Expert was one of the signatories to a joint urgent appeal issued by certain mandate-holders[7]. The Sudan responded in details to

[5] Article 32 (1) of the Interim Constitution.

[6] Ibid, Article 32 (2).

[7] UA SDN/3/2018

tat appeal stating circumstances of the case and the available guarantees for the trial and the stages of legally available appeal.

Paragraph 23

28. The Criminal Act 1991 (amendment 2018) Bill has been prepared including therein a provision which criminalizes and punishes for female genital mutilation (FGM). This law enactment process was finished at the level of the national Council of Ministers, and has been tabled to the Parliament. It is worth mentioning that 7 states issued their legislations which prohibit and punish for practice.

Paragraphs 24 – 25

29. Paragraph 23 of the draft report contained some generalities and analysis of the economic situation. Rain-fed agriculture is the largest agricultural sector on which Sudan depends in the production of most of its consumed and export crops. Artificially irrigated areas are limited, and usually confined to the Nile banks. There is no preference in the State's support to the irrigated sector at the expense of rain-fed sector; in fact, the attention paid to the latter might exceed that paid to the former. Regarding the distribution of the development resources between urban and rural areas, Sudan adopts federal system in accordance with the Interim National Constitutions and constitutions of the 18 states, and every state has a government and a legislative council. Every state is divided into a number of localities. Revenues are allocated between the central and regional levels where 30% of the national resources are transferred to the states. Moreover, a lot of big projects such as roads, airports, big hospitals and universities, are financed by the national budget, particularly such projects which are funded by foreign grants and loans.

30. The rate of poverty mentioned in paragraph 25 of the draft repot (36.1%) was an outcome of a family survey conducted by Sudan Government in 2014 – 2015. However, it is notable that such rate is significantly lower than that of a previous survey conducted in 2009 which resulted in 46.5% poverty rate, an indicative that Sudan exerted efforts to reduce poverty rate in a short period. Figures indicate that poverty rate in rural areas decreased from 57.6% to 36.5% during this period, while the percentage of poverty in urban areas increased from 26.5% to 37.3% in the same period. This survey refutes the assumption that there was discrimination in favor of urban areas in distribution of development resources.

Paragraph 26

31. Electricity is still significantly subsidized particularly in household consumption, while subsidy proportionately decreases where consumption increases. According to a study made, consumption of small and medium families does not exceed 1000 KWA per month. Further if we compare the price of electricity in Sudan with regional and international states, we will find that the Sudanese price is ranking within the cheapest. Another form of power subsidy is that of fuel, on which a big part of electricity production is dependent. Increase of electricity price in industrial areas does not increase the cost of production because electricity is not the only or essential factor in industrial and agricultural production, particularly, the agricultural production which mostly depends on rain irrigation.

Paragraph 27

32. Lifting subsidy on commodities is a key issue in the Sudanese economy, since subsidy causes many imbalances in the economic structure. the International Monterey Fund (IMF) in its many reports known as Staff Monitored Program (SMP) continued to recommend the necessity of lifting subsidies to reform Sudan economy particularly subsidies of fuel, wheat and sugar. The Government and IMF agreed on gradual lifting of subsidies (support) starting with sugar then fuel and finally wheat. Subsidy encourages smuggling of commodities to the neighboring countries and entices bad practices in transactions and corruption, notably by utilizing subsidy and redirect commodities to unintended strata. The price of imported wheat is less than that of wheat produced internally because the imported wheat is still subsidized in two ways; namely, exemption

from import fees and VAT, by considering it as a priority for which the State provides foreign currencies in the official rate, while the Government bears the difference between the official and parallel currency rate.

Paragraph 29

33. The Government continues its efforts in addressing the issue to mitigate the negative impacts of lifting subsiding and to adjust exchange rate through allocation of considerable funds in 2018 budget, besides other interventions by the Government which have become part of institutional system of the State. These include:

- Provision of direct support through direct financial transfers from the general budget, budgets of states and Zakat Fund, covering about one million families. 60% of Zakat revenue has been redirected to the poor;
- Support through health insurance: currently covers 2.8 million poor families, equals 12.1 million beneficiaries;
- Provision of support for poor students through university sponsoring progamme. The number of students benefiting from the project increased to 87363 representing 30% of students who are supported monthly by the Students Support Fund;
- Implementation of a number of projects, such as the National Project for the Development of Rural Women, Good Loans for Pensioners, Savings Bank's projects and Pensioners Social Development Foundation;
- Establishment of the Comprehensive Programme of Social Security in 2017 aiming to addressing poverty through a package of interventions in the fields of water, health, education and livelihood to achieve food security, beside community awareness raising, by targeting 52 poorest localities in different states of the Sudan. The programme also targets with first state most vulnerable groups including children, women, youth, elderly, persons with disability, demobilized soldiers, homeless, orphans, internally displaced persons and nomads;
- Encouragement of micro finance by different banks and enhancement thereof by legislations, and establishment of institutions to organize it.

34. The preparation of the overall Poverty Reduction Strategy Papers (PRSP) is currently underway at the stage of finalization. The African Development Bank, International Bank and the European Union participate in funding and technical supervision. Moreover, the State leadership concern with strategy plan in all its stages of preparation and implement.

Paragraph 31

35. The Government is fully committed with the bilateral case-fire in Darfur and the two areas, which it remains to renew every six months; the most recent was on 15 July 2018. Internationally recognized human indicators signify stability in the humanitarian situation in the conflict affected areas including Darfur. Food indicators, as well as health indicators rates are normal, since no cases of spread of endemics have been recorded any prevalence epidemics in IDPs camps. With regard to humanitarian access indicators, the coverage ranged from 95% to 98%. This paragraph poses a mistaken allusion that IDPs depend on UNMID and humanitarian organizations in the provision of assistance and support, depreciating the role of the government. If we consider the coordination mechanisms of humanitarian assistance which the Government has established for this purpose, they will be quite enough to signify the magnitude of will and the efforts exerted by the Government. The most important of these mechanisms are: the Higher Committee for Humanitarian Assistance, the joint national mechanisms of human aid chaired by the Vice-President, the Joint National Mechanism to follow Up plans of the United Nations and Partners, the Joint Coordination Committee between the Government, the United Nations and Voluntary Organizations, the Joint Committee to follow up Directives and Procedures of Humanitarian work ...etc.

Paragraph 32

36. This paragraph mentioned UNAMID's Statistics of sexual violence cases which the UNAMID have not shared them with the Government pursuant to the SOFA and the instrument of UNAMID's mandate. It didn't mention any thing about statistics of the Public Prosecutor of the Special Court in Darfur (PPSCD) who provided the Independent Expert with a full and detailed report on those issues during the IE visit to North Darfur. Therefore, there is no need to include these statistics in this comment. We only indicate that this information of PPSCD's report was disaggregated and included the number of the case, the name of the accused and his age, profession and educational level, the victim's name and his/her age, educational level, the relation between accused and victim and the place where the crime was committed.

37. By analyzing the PPSCD's report it appears that the perpetrators are usually victims' neighbors including those who work in regular forces, or their relatives, or family friends, or juvenile adolescents, that the sense of crimes are not during an armed conflict and that there is no any case of mass rape.

38. Offices of public prosecution are expanded all over Darfur states to facilitate access to justice. They work on shift system for 24 hours, including inspection of places of detention and prisons.

39. Neither the public prosecution nor the police in Darfur states have recorded any reports concerning sexual abuse committed by members of regular forces. Further, the report of the UN Security General on the African Union - United Nations Hybrid Operation in Darfur (UNAMID) dated 27 December 2017[8], particularly in its paragraphs under the heading "Violence against civilians and human rights violations"[9] did not refer to commission of any gender based violence by the police forces or any other law enforcement agents in Darfur, contrary to what has been indicated in this paragraph of the IE draft report.

Paragraph 35

40. The assertion by the Impendent Expert in this paragraph that the law enforcement agencies are criticized for lack of willingness in initiating investigations and apprehending alleged perpetrators is an untrue allegation. Sudan Police is an inveterate institution and highly professional thanks to its legal experience which extends to more than a century. Its accumulative experiences enable it to perform its duties and its functions as provided for in the Constitution and the law, and to enforce the law without bias, favoritism, or influence for or against any party of criminal proceedings, whether he/she is an accused or a victim.

Paragraph 36

41. Among the amendments to the Interim National Constitution (INC) of 2017, article 151 which is concerned with National Intelligence and Security Service (NISS), has been amended including by stipulating that NISS service shall be professional and it shall focus, in carrying out its functions, on the collection, analyzing and classification of information, and presenting the same to the bodies concerned[10]. In respect of the Armed Forces Act amendments of 2013, civilians are not subject to this law as long as they possess this status. Those who carry the arms and join a group with a leadership and uniform to fight against the State would no longer be labelled as civilians. However, and due to the ambiguity that might have affected the drafting of that amendment, a new Bill has been prepared to remove the confusion and is currently before the Parliament.

Paragraphs 37- 39

42. We affirm that the prisons in Sudan are committed to respect the international standards of treatments of prisoners and adhering, as established by the national constitution and legislators in this respect.

[8] S/2017/1113.

[9] Ibid, pages 3 and 4.

[10] Article 151 (2) of INC 2005, as amended 2017.

43. Concerning the 117 detainees in Shala prison in North Darfur state, they had been arrested according to law of emergency as declared by President of the Republic and endorsed by the National Legislature (the National Assembly and Council of States), within the framework of the arms collection campaign which is one of the commitments of Doha Document for Peace in Darfur (DDPD) which preordained collecting weapons from the militias, rebels and others groups and individuals to achieve peace in Darfur states.

44. We would like to indicate that section 28 of the Criminal Producers Act 1991 provides for inspection of prisons. A judge or prosecutor, pursuant to jurisdiction, may enter any prison to inspect and monitor the detainees and the conditions of the detention. Section 46 of the Prisons Regulation and Treatment of Prisoner Act 2010 is reaffirms this right by providing that "The Chief Justice, Speaker of National Assembly or any of his deputies, Attorney General, chairs of competent committees of the National Assembly, Minister of Justice, Under Secretary of Ministry of Justice, Judges of the Supreme Court, members of the Committee[1], Counselors-General of the Ministry of Justice, competent appeal and general court Judges, Chief and senior persecutors and lower prosecutors may visit the prisons as official visitors by virtue of their respective offices".

45. The Independent Expert referred to 56 prisoners who were sentenced to death in Shala prison and they are waiting for execution including a woman. All those convicts have had fair trials and have exhausted all the means of appeal which provided for by the law. It is to be noted that they are all convicted in cases involving private right (murder).

Paragraph 46

46. The actual number of refugees from state of south Sudan estimated at 1.258.920 persons, 788.812, of them were registered living in camps and outside camps. The number of refugees from other nationalities is 660.229, for whom Sudan takes the greater burden in hosting them, including by providing land for camps which is deducted from agricultural land, provision of security thereof, beside sharing citizens of services provided by the Government.

Paragraphs 48 - 52

47. These paragraphs of the draft report indicate the efforts by the international community and its relevant mechanisms in providing technical support and capacity building to the national mechanisms and the importance of coordination with relevant State authorities in deterring priorities fields, and quality of required capacity building and technical assistance in order to maximize the expected benefits from limited available resources. Unfortunately, we assure that the assistance so far provided is inadequate and incommensurate with matrix of the areas and needs of technical assistance and capacity building submitted by the Government to Independent Expert in 2016 and updated in 2017.

48. The Government of the Sudan reiterates its commitment of cooperate with Office of the High Commissioner for Human Rights with regards to technical mission to evaluate the needs for technical assistance and capacity building in accordance with the agreed terms of reference, so as to assist the Independent Expert in the context of his mandate..

Paragraphs 53, 59

49. In conclusion, we hope that the findings and recommendations would be reformulated by taking into consideration the Sudan's comment on the draft report of the Independent Experts.

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[1] The Prison Committee established under the Act, and is composed of 15 members representing ministries, Parliament, the Judiciary and National Commission on Human Rights.